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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,913	03/30/2001	Steven G. Smith	BELL-0073/00349	9013

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08/19/2002

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EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 08/19/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/822,913

Applicant(s)
Smith et al.

Examiner
First Last

Art Unit
1234



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Specification

1. Claims 1 and 8 are objected to because of the following informalities:

* Claim 1, line 8 "to an applications" should read as ---- to an application ----.

* Claim 8, line 9, "to an applications" should read as ---- to an application ----.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Duley (US 5,459,671).

Regarding claim 1, Duley discloses a method for indicating the battery status in a portable computer including all subject matters as follow:

retrieving battery status data from a basic input-output system (BIOS) on a computing device, the battery status data reflecting of a characteristic of the battery (46, col. 5, liens 4-39);

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comparing the retrieved battery status data to a predefined battery status threshold stored on the computing device (col. 11, lines 50- 67 and col. 12, lines 1-28); and

based on the comparison of the battery status data to the predefined battery status threshold, providing a battery status indicator to an applicant program on the computing display (12, col. 5, lines 4-10).

Regarding claim 2, as mention in claim 1 above, Duley discloses the retrieving battery status data from a basic input-output system (BIOS) on the computing device comprises retrieving battery status data relating to the voltage of the battery from the BIOS on the computing device (col. 1, lines 41-55).

Regarding claims 3-4, Duley disclose a software placed within a microcontroller (16) that monitors the charge gauge integrated circuit (18) and obtains battery data and battery status information, wherein the microcontroller (16) communicates the battery information to a system microprocessor (10) which initiating a BIOS interrogating routine to retrieve battery status data from a BIOS in the computing device and providing a user perceptible battery status indicator (12, 20) via the applications program on the computing device (col. 5, lines 14-39).

Regarding claim 5, refer to claim 1 above.

Regarding claim 6, as shown in Figure 2, Duley discloses displaying the battery status indicator comprises displaying a gauge representative of a current battery status (24, col. 5, line 40 through col 6, line 5).

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Regarding claim 7, Duley also disclose that the predefined battery status threshold is user-definable by level setting (28, col. 5, line 60 through col. 6, line 5).

Regarding claim 8, refer to claim 1 above.

Regarding claim 9, refer to claims 3-4 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mondshine et al. (US 6,252,511);

O'Connor et al. (US 5,691,742);

Myslinski (US 5,477,129); and

Mito et al. (US 5,345,392).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (703) 308-0160. The examiner can normally be reached on Monday to Friday from 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)305-4717. The fax phone number for this Group is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Tai T. Nguyen

Date: August 12, 2002


DANIEL J. WU
Primary Examiner
8/15/02